

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CIVIL TRIAL MINUTES

**The Honorable WILLIAM H. ALSUP**

Date: April 20, 2012

Case No.: **C10-03561 WHA**

Case Name: **ORACLE AMERICA, INC. v. GOOGLE INC.**

Plaintiff's Counsel: Michael Jacobs; Dan Muino; Fred Norton; Andrew Temkin; Dorian Daley  
Steven Holtzman; Safra Catz (Corporate Representative)

Defendant's Counsel: Robert Van Nest; Christa Anderson; Dan Purcell; Michael Kwun; Bruce Baber  
Renny Hwang; Catherine Lacavera (Corporate Representative)

Clerk: Dawn K. Toland

Court Reporter: Kathy Sullivan; Debra Pas

Trial Began: April 16, 2012

Further Trial: April 23, 2012 at 7:30 am

<u>Trial Motions Heard:</u>	<u>Disposition</u>
1. _____	_____
2. _____	_____
3. _____	_____

Other:

Time in Trial: 5 hours and 45 minutes

NORTHERN DISTRICT OF CALIFORNIA

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**EXHIBIT and WITNESS LIST**

<b>JUDGE:</b> WILLIAM H. ALSUP		<b>PLAINTIFF ATTORNEY:</b> Michael Jacobs; Dan Muino Fred Norton; Andrew Temkin David Boies; Dorian Daley Steven Holtzman			<b>DEFENSE ATTORNEY:</b> Robert Van Nest; Christa Anderson Dan Purcell; Michael Kwun Bruce Baber; Renny Hwang	
<b>TRIAL DATE:</b> April 20, 2012		<b>REPORTER(S):</b> Kathy Sullivan; Debra Pas		<b>CLERK:</b> Dawn Toland		
PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>7:30 am</u>			<u>Outside the presence of the jury. Parties provided the mark up on the handout from the Court. Court asked for clarification on "Class Libraries". Supplemental briefing due 4/22 at 3:00 pm. Counsel shall provide a list of witnesses and attorneys to give the jury. Michael Jacobs advised the Court parties have stipulated to admit the following exhibits: 748, 749, 751, 752, 753, 2800, 2801, 2802, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 45.1, 45.2, 45.3, 46.20, 46.21, 46.22, 46.23, 46.24, 46.25, 46.26, 46.27, 46.28, 741, 767, 770, 771, 773, 862, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, and 1040. Plaintiff submitted exhibit 1064 for the record.</u>	
		<u>8:02 am</u>			<u>Reconvene...jury present</u>	
		<u>8:06 am</u>			<u>Plaintiff's Summary</u>	
		<u>8:17 am</u>			<u>Defendant's Summary</u>	
		<u>8:29 am</u>			<u>Plaintiff's witness Brian Swetland sworn-in. Direct by Fred Norton</u>	
<u>149</u>			<u>X</u>	<u>X</u>	<u>Email from Brian Swetland to Andy Rubin and Dan Bornstein</u>	
<u>13</u>			<u>X</u>	<u>X</u>	<u>Email from Brian Swetland to Mathias Agopian re new java world</u>	
<u>23</u>			<u>X</u>	<u>X</u>	<u>Email from Brian Swetland to Andy McFadden re feedback welcome</u>	
<u>314</u>			<u>X</u>	<u>X</u>	<u>Email from Robert Griesemer to Brian Swetland re Java VM for Android</u>	
		<u>8:42 am</u>			<u>Cross Examination by Christa Anderson</u>	
	<u>149</u>		<u>X</u>	<u>X</u>	<u>Email from Brian Swetland to Andy Rubin and Dan Bornstein</u>	

	<u>13</u>		<u>x</u>	<u>x</u>	<u>Email from Brian Swetland to Mathias Agopian re new java world</u>	
	<u>314</u>		<u>x</u>	<u>x</u>	<u>Email from Brian Swetland to Mathias Agopian re new java world</u>	
	<u>200</u>		<u>x</u>		<u>Email from Brian Swetland to Patrick Reali Java VM</u>	
	<u>419</u>		<u>x</u>		<u>Email from Brian Swetland to Joe Onorato re trying to remove need</u>	
	<u>33</u>		<u>x</u>		<u>Email from Brian Swetland to Dan Bornstein re Parcelable</u>	
		<u>8:59 am</u>			<u>Redirect</u>	
	<u>314</u>		<u>x</u>	<u>x</u>	<u>Email from Brian Swetland to Mathias Agopian re new java world</u>	
		<u>9:02 am</u>			<u>Recross</u>	
		<u>9:03 am</u>			<u>Witness Excused</u>	
					<u>Court addressed the jury re statements made in the pleadings</u>	
		<u>9:12 am</u>			<u>Plaintiff's witness <b>Bob Lee</b> sworn-in. Direct by Michael Jacobs</u>	
	<u>405</u>		<u>x</u>	<u>x</u>	<u>Email from Eric Schmidt to Bob Lee re It was great chatting</u>	
	<u>281</u>		<u>x</u>	<u>x</u>	<u>Email from Bob Lee to Hioshi Lockheimer re Nosers in 2009</u>	
		<u>9:30 am</u>			<u>Recess</u>	
					<u>Outside the presence of the jury. Defendant can review documents prior to cross examination of Bob Lee. Witness shall return on Monday.</u>	
		<u>9:33 am</u>			<u>Recess</u>	
		<u>9:57 am</u>			<u>Reconvene...jury present</u>	
					<u>Plaintiff's witness <b>Daniel Morrill</b> sworn-in. Direct by Fred Norton</u>	
	<u>51</u>		<u>x</u>	<u>x</u>	<u>Package Index for Android APIs</u>	
	<u>749</u>		<u>x</u>	<u>x</u>	<u>Android Compatibility Program</u>	
		<u>10:25 am</u>			<u>Cross Examination by Michael Kwun</u>	
	<u>2301</u>		<u>x</u>	<u>x</u>	<u>Frequently Asked Questions - Android Open Source Project</u>	
	<u>2352</u>		<u>x</u>	<u>x</u>	<u>Blog Entry; Dated November 5, 2007</u>	
		<u>10:40 am</u>			<u>Side Bar</u>	
		<u>10:46 am</u>			<u>Cross Examination continued</u>	
		<u>10:47 am</u>			<u>Redirect Examination</u>	
	<u>2352</u>		<u>x</u>	<u>x</u>	<u>Blog Entry; Dated November 5, 2007</u>	
	<u>245</u>		<u>x</u>	<u>x</u>	<u>Email from Dan Morrill to Justin Mattson</u>	

		<u>10:57am</u>			<u>Recros Examination</u>
	245		x	x	<u>Email from Dan Morrill to Justin Mattson</u>
		<u>10:58 am</u>			<u>Recross</u>
		<u>11:00 am</u>			<u>Witness Excused</u>
					<u>Plaintiff's witness Rafael Camargo by video deposition</u>
		<u>11:10 am</u>			<u>Recess</u>
		<u>11:29 am</u>			<u>Reconvne...jury present</u>
					<u>Plaintiff's witness Leo Cizek sworn-in. Direct by Fred Norton</u>
<u>2016</u>			x	x	<u>Contact Report (ACT Contact Mgmt System) Leo Cizek</u>
<u>1026</u>			x		<u>Sun Microsystems, Inc</u>
<u>2001</u>			x	x	<u>Email: Dated August 5 2005; from Vineet Gupta</u>
		<u>12:02 pm</u>			<u>Cross Examination by Christa Anderson</u>
	<u>2001</u>		x	x	<u>Email: Dated August 5 2005; from Vineet Gupta</u>
	<u>2013</u>		x	x	<u>Monetization Proposal - Google-Sun Negotiations</u>
	<u>2002</u>		x	x	<u>Email; Dated September 22, 2005; from Vineet Gupta</u>
	<u>2004</u>		x	x	<u>Email; Dated: October 27, 2005; from Vineet Gupta</u>
	<u>2006</u>		x	x	<u>Email; Dated: November 21, 2005; from Leo Cizek</u>
	<u>2008</u>		x	x	<u>Contact Report (ACT Contact Mgmt System)</u>
	<u>2009</u>		x	x	<u>Email; Dated: March 17, 2007; from Vineet Gupta</u>
	<u>2010</u>		x	x	<u>Email; Dated: April 2, 2007; from Vineet Gupta</u>
	<u>2019</u>		x	x	<u>Email; Dated: October 25, 2007; from Leo Cizek</u>
	<u>2021</u>		x	x	<u>Email; Dated: November 11, 2007; from Dov Zandman</u>
	<u>2026</u>		x	x	<u>Email; Dated: May 22, 2008; from Leo Cizek</u>
		<u>12:36 pm</u>			<u>Redirect Examination</u>
<u>2004</u>			x	x	<u>Email; Dated: October 27, 2005; from Vineet Gupta</u>
<u>2021</u>			x	x	<u>Email; Dated: November 11, 2007; from Dov Zandman</u>
		<u>12:42 pm</u>			<u>Witness Excused</u>
		<u>12:43 pm</u>			<u>Recess</u>
					<u>Outside the presence of the jury. Court and counsel addressed several issues.</u>
		<u>1:15 pm</u>			<u>Recess until 4/23/12 at 7:30 am</u>